

PLANNING COMMISSION AGENDA
CITY OF NEWPORT BEACH
COUNCIL CHAMBERS - 3300 NEWPORT BOULEVARD
Thursday, February 17, 2011
Regular Meeting - 6:30 p.m.

EARL MCDANIEL
Chairperson

ROBERT HAWKINS
CHARLES UNSWORTH
BARRY EATON

FRED AMERI
MICHAEL TOERGE
BRADLEY HILLGREN

Planning Commissioners are citizens of Newport Beach who volunteer to serve on the Planning Commission. They were appointed by the City Council by majority vote for 4-year terms. At the table in front are City staff members who are here to advise the Commission during the meeting. They are:

PATRICK ALFORD, Planning Manager

LEONIE MULVIHILL, Assistant City Attorney

JAIME MURILLO, Associate Planner

DAVID KEELY, Senior Civil Engineer

MARLENE BURNS, Administrative Assistant

FERN NUENO, Assistant Planner

NOTICE TO THE PUBLIC

Regular meetings of the Planning Commission are held on the Thursdays preceding second and fourth Tuesdays of each month at 6:30 p.m. Staff reports or other written documentation have been prepared for each item of business listed on the agenda. If you have any questions or require copies of any of the staff reports or other documentation, please contact the Planning Department staff at (949) 644-3200. The agendas, minutes and staff reports are also available on the City's web site at: <http://www.newportbeachca.gov>.

This committee is subject to the Ralph M. Brown Act. Among other things, the Brown Act requires that the Commission's agenda be posted at least 72 hours in advance of each meeting and that the public be allowed to comment on agenda items before the Commission and items not on the agenda but are within the subject matter jurisdiction of the Commission. The Commission may limit public comments to a reasonable amount of time, generally either three (3) or five (5) minutes per person.

It is the intention of the City of Newport Beach to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, the City of Newport Beach will attempt to accommodate you in every reasonable manner. Please contact Leilani Brown, City Clerk, at least 72 hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible (949-644-3005 or lbrown@newportbeachca.gov).

If in the future, you wish to challenge in court any of the matters on this agenda for which a public hearing is to be conducted, you may be limited to raising only those issues, which you (or someone else) raised orally at the public hearing or in written correspondence received by the City at or before the hearing.

APPEAL PERIOD: Use Permit, Variance, Site Plan Review, and Modification Permit applications do not become effective until 14 days following the date of approval, during which time an appeal may be filed with the City Clerk in accordance with the provisions of the Newport Beach Municipal Code. Tentative Tract Map, Tentative Parcel Map, Lot Merger, and Lot Line Adjustment applications do not become effective until 10 days following the date of approval, during which time an appeal may be filed with the City Clerk in accordance with the provisions of the Newport Beach Municipal Code. General Plan and Zoning Amendments are automatically forwarded to the City Council for final action.

NEWPORT BEACH PLANNING COMMISSION AGENDA
Council Chambers – 3300 Newport Boulevard
Thursday, February 17, 2011
REGULAR MEETING
6:30 p.m.

- A. CALL TO ORDER**
- B. PLEDGE OF ALLEGIANCE**
- C. ROLL CALL**
- D. PUBLIC COMMENTS**

Public comments are invited on non-agenda items generally considered to be within the subject matter jurisdiction of the Planning Commission. Speakers must limit comments to 3 minutes. Before speaking, please state your name for the record and print your name on the tablet provided at the podium.

- E. REQUEST FOR CONTINUANCES**
- F. CONSENT ITEMS**

ITEM NO. 1 Minutes of January 20, 2011

ACTION: Approve and file.

G. PUBLIC HEARING ITEMS

ALL TESTIMONY GIVEN BEFORE THE PLANNING COMMISSION IS RECORDED. SPEAKERS MUST LIMIT REMARKS TO THREE MINUTES ON ALL ITEMS. (Red light signifies when three minutes are up; yellow light signifies that the speaker has one minute left for summation.) Please print only your name on the pad that is provided at the podium.

Any writings or documents provided to a majority of the Planning Commission regarding any item on this agenda will be made available for public inspection in the Planning Department located at 3300 Newport Boulevard, during normal business hours.

ITEM NO. 2 Solar Energy System Installations (PA2010-113)

SUMMARY: The project is a proposed code amendment, voluntary guidelines, and incentives applying to the installation of solar energy systems.

CEQA COMPLIANCE: This action is covered by the general rule that the California Environmental Quality Act (CEQA) applies only to projects that have the potential for causing a significant effect on the environment (Section 15061.b.3 of the CEQA Guidelines). It can be seen with certainty that there is no possibility that this item will have a significant effect on the environment; therefore, this activity is not subject to CEQA.

ACTION:

- 1) Conduct a public hearing; and
- 2) Adopt Resolution No. ____ recommending City Council approval of the Code Amendment No. CA2011-001 and voluntary guidelines with incentives (Attachment No. PC 1).

ITEM NO. 3 Netherton Residence (PA2011-016)
78 Royal Saint George Road

SUMMARY: The application is for a variance to allow a wall, up to 6 feet 8 inches in height, to be constructed within the 10-foot “streetside” side setback where the maximum height for walls, fences and hedges is limited to three (3) feet.

CEQA COMPLIANCE: The project is categorically exempt under Section 15301, of the California Environmental Quality Act (CEQA) Guidelines - Class 1 (Existing Facilities).

ACTION: 1) Conduct a public hearing; and

 2) Adopt Resolution No. ____ approving Variance No. VA2011-003 (Attachment No. PC1).

H. NEW BUSINESS

ITEM NO. 4 Discussion of Operator License Ordinance (PA2010-041)

SUMMARY: On January 25, 2011, the City Council adopted Ordinance No. 2011-002 amending the Municipal Code to incorporate a new chapter (Chapter 5.25) that will require operators of certain establishments that offer alcoholic beverages for on-site consumption in combination with late hours, entertainment, and/or dance to obtain an Operator License. The intent of this agenda item is to provide the Planning Commission with an overview of the Ordinance and answer any questions the Commission may have.

I. STAFF AND COMMISSIONER ITEMS

ITEM NO. 5 Planning Director’s report.

ITEM NO. 6 Planning Commission reports.

ITEM NO. 7 Announcements on matters that Commission members would like placed on a future agenda for discussion, action, or report.

ITEM NO. 8 Request for excused absences.

ADJOURNMENT